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July 14, 2014

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**VIA E-MAIL AND U.S. MAIL**

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Meyers, Nave, Riback, Silver & Wilson  
555 12th Street, Suite 1500  
Oakland, CA 94607

**Re: Proposed New Ballot Language on Disability Retirement and  
Exodus Officers**  
File No.: 040326

Dear Art:

Today, you should have received correspondence from Chris and me in response to your letter dated July 9, 2014. That letter addressed the status of our settlement discussions. I am writing separately to respond to your inquiries regarding a proposed new ballot measure that has been unilaterally drafted by the City.

In short, the POA rejects the proposal to further amend the disability retirement language by ballot measure. We shared the City Manager's belief that a global settlement was possible. We do not favor the piecemeal approach contemplated.

Article 19 of the MOA precludes the City from making changes within the scope of bargaining, whether by Charter amendment, ordinance, or otherwise, without the approval of the POA. The POA declines to give its approval. Unlike 2011, when the MOA contained express reopeners for retirement, the current MOA has no such reopener. It is therefore a closed contract and changes within the scope of bargaining, such as those contemplated by the ballot proposal, must wait until 2016.

Arthur A. Hartinger Esq.

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Please advise by close of business on Friday – i.e., July 18 – that the City will either withdraw its proposal or rewrite the proposal to make it non-applicable to current or future employees represented by the POA.

Very truly yours,

CARROLL, BURDICK & McDONOUGH LLP



Gregg McLean Adam

GMA:jo

cc: Ed Shikada, City Manager  
Richard Doyle, City Attorney  
Nora Frimann, Assistant City Attorney  
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